

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## ISATU VILLE,

CASE NO. C17-0548JLR

Plaintiff,

**ORDER GRANTING RELIEF  
FROM CASE SCHEDULE**

## FIRST CHOICE IN HOME CARE,

Defendant.

Before the court is Defendant First Choice In-Home Care's ("First Choice")

16 unopposed motion for relief from the case schedule. (Mot. (Dkt. # 38).) On August 1,  
17 2018, First Choice filed a motion for summary judgment in this matter. (See MSJ (Dkt.  
18 # 31).) First Choice attempted to serve this motion on Plaintiff Isatu Ville at the address  
19 3721 S. 180th St., Apt. 204, SeaTac, WA 98188. (Mot. at 1-2.) Ms. Ville, however,  
20 changed her address on file with the court on June 5, 2018. (See 6/5/2018 Letter (Dkt.  
21 # 27) at 7-8. (“YOUR HONOUR [sic], starting this date June 5, I want the Court and  
22 Defendant to to [sic] send letters or notice to . . . this address[:] ISATU VILLE c/o

1 Michael Cobbinah 28808 14<sup>th</sup> Ave. S[,] Federal Way, WA 98003.”). As a result of this  
2 June 5, 2018, letter, the court clerk changed Ms. Ville’s address on the case docket. (See  
3 Dkt.) Ms. Ville also included her new address in her June 15, 2018, letter to the court.  
4 (See 6/15/2018 Letter (Dkt. # 28) at 4.)

5 Ms. Ville was represented by counsel at one point, but is now proceeding *pro se*.  
6 (See Mot. to Withdraw (Dkt. # 22); 2/21/2018 Order (Dkt. # 24) (granting motion to  
7 withdraw).) A *pro se* party “must file a notice with the court of any change in address.”  
8 Local Rules W.D. Wash. LCR 10(f); *see also id.* LCR 41(b)(2) (“A party proceeding pro  
9 se shall keep the court and opposing parties advised as to his or her current mailing  
10 address.”). The court recognizes that Ms. Ville changed her address in the middle of an  
11 otherwise unrelated filing (see 6/5/2018 Letter at 7-8), and that the filing was not clearly  
12 titled as a notice of address change (see Dkt. # 27 (6/5/2018 Letter entitled “LETTER  
13 from Plaintiff re Statement of Claim”)). The court also recognizes that Ms. Ville recited  
14 her outdated address in her deposition that occurred earlier on June 5, 2018 (see 8/1/2018  
15 Bigby Decl. (Dkt. # 32), Ex. 4 at 8:4-12), and that Ms. Ville did not correct this portion of  
16 her deposition when she submitted her deposition errata on July 5, 2018 (see 8/21/2018  
17 Bigby Decl. (Dkt. # 39), Ex. 5 at 1-6). Nonetheless, the court finds that Ms. Ville  
18 successfully changed her address on June 5, 2018. *See also Blaisdell v. Frappiea*, 729  
19 F.3d 1237, 1241 (9th Cir. 2013) (“Courts in this circuit have an obligation to give a  
20 liberal construction to the filings of pro se litigants.”).

21 Because Ms. Ville is not a registered participant in the Electronic Case Filing  
22 System, First Choice was required to “effect service in paper form according to the

1 Federal Rules of Civil Procedure.” Local Rules W.D. Wash. LCR 5(b). First Choice  
2 attempted to serve its motion for summary judgment on Ms. Ville under Federal Rule of  
3 Civil Procedure 5(b)(2)(C), but failed to accomplish service at Ms. Ville’s “last known  
4 address” when it mailed the motion to Ms. Ville’s outdated address at 3721 S. 180th St.,  
5 Apt. 204, SeaTac, WA 98188. *See* Fed. R. Civ. P. 5(b)(2)(C). Therefore, First Choice’s  
6 motion for summary judgment service was ineffective.

7 Under Local Rule 7(l), “[t]he court may re-note a pending motion to ensure  
8 compliance with applicable court rules or for other reasons.” Local Rules W.D. Wash.  
9 LCR 7(l). Although the August 7, 2018, deadline for filing dispositive motions has  
10 passed (*see* Dkt. # 17 at 1), the court GRANTS First Choice’s motion for relief from case  
11 schedule (Dkt. # 38). The court further DIRECTS the clerk to re-note the motion for  
12 summary judgment (Dkt. # 31) for Friday, September 28, 2018. In addition, the court  
13 ORDERS First Choice to accomplish service on Ms. Ville no later than Thursday,  
14 September 6, 2018. Ms. Ville’s response to First Choice’s motion for summary judgment  
15 is due no later than Monday, September 24, 2018. *See* Local Rules W.D. Wash. LCR  
16 7(d)(3). First Choice should not file a new reply brief to its motion for summary  
17 judgment because it has already filed one. (*See* Reply (Dkt. # 36).) The court also  
18 DIRECTS the clerk to reschedule the date for submitting motions in limine to Thursday,  
19 October 11. (*See* Dkt. # 17 at 1.)

20 Dated this 4<sup>th</sup> day of September, 2018.

21   
22 JAMES L. ROBART  
United States District Judge